

# MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

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SENATE

NO. 282

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*In Senate, Feb. 7, 1913.*

*Came from the House referred to the Committee on Railroads and Expresses and on motion by Senator Smith of Penobscot laid on the table for printing pending reference in concurrence.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THIRTEEN.

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AN ACT to Incorporate the Livermore and Augusta Railway  
Company.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. Charles P. Hatch of Portland, Maine, Reuel  
2 J. Noyes, Elmer E. Newbert and Leon O. Tebbetts, of Au-  
3 gusta, Maine, E. E. Peacock, Nelson T. Gordon and B. E.  
4 Leighton of Readfield, Maine, William G. Hunton, of Cher-  
5 ryfield, Maine, and their associates, successors and assigns  
6 are hereby made a body corporate, under the name of Liv-  
7 ernore and Augusta Railway Company, with all the rights,

8 powers and privileges incident to corporation, with authority  
9 to construct, maintain and operate by electricity or animal,  
10 or any other power a street railway with convenient single  
11 or double tracks, side tracks, or turnouts, with all neces-  
12 sary or convenient lines of poles, wires, appliances, appur-  
13 tenances of conduits, commencing at some convenient point  
14 in the town of East Livermore in the County of Andros-  
15 coggin and extending in and through said East Livermore,  
16 in said County of Androscoggin, and through the towns  
17 of Fayette, Mount Vernon, Readfield, Winthrop and Man-  
18 chester and the City of Augusta, in the County of Kenne-  
19 bec, all in the State of Maine to a railroad station, hotel,  
20 or at some point at or near a place of public convenience  
21 upon the highways and property to be fixed and determined  
22 by the municipal officers of the towns or city after the right  
23 of way has been granted by said town or towns or city and  
24 assented to in writing by said corporation.

Said corporation shall, before commencing the construc-  
26 tion of its road, present to the railroad commissioners a pe-  
27 tition for approval of location, defining its courses, distances  
28 and boundaries, accompanied by a map of the proposed  
29 route and location as to streets, roads and ways, of the mu-  
30 nicipal officers of the city, and towns in which said railroad  
31 is to be constructed in whole or in part and with a report  
32 and estimate prepared by a skillful engineer. If the mu-  
33 nicipal officers, upon written application therefor, neglect  
34 for thirty days to approve a route and location as to streets,

35 roads or ways, or if they refuse to approve such a location,  
36 or if such route and location approved by them is not ac-  
37 cepted by the corporation, in either case, said corporation  
38 may appeal to the next term of the supreme judicial court  
39 to be held in any county where any part of said railroad  
40 is located more than thirty days from the expiration of said  
41 thirty days, or from the date of such refusal, or from the  
42 approval of a location that is not accepted by the corpora-  
43 tion, or otherwise, as the case may be, excluding the day  
44 of the commencement of the session of said court. The ap-  
45 pellant shall serve written notice of such appeal upon said  
46 municipal officers fourteen days at least before the session  
47 of said court, and shall at the first term file a complaint set-  
48 ting forth substantially the facts of the case, if the appeal  
49 is then entered and not afterwards, the court shall appoint  
50 a committee of three disinterested persons who shall be  
51 sworn, and if one of them dies, declines or becomes inter-  
52 ested the court may appoint some suitable person in his  
53 place. They shall give such notice as the court has ordered,  
54 view the proposed route or routes and location or locations  
55 and make their report at the next term of the court after  
56 their appointment, defining wherein the route and location  
57 as to streets, roads or ways, as determined by them, which  
58 after acceptance and entry of judgment thereon shall forth-  
59 with be certified as to the railroad commissioners and re-  
60 ceived by them in lieu of the approval of the municipal of-  
61 ficers. Costs may be taxed and allowed as the court may

62 order. A failure to appeal shall not bar the corporation  
63 from making a new application to municipal officers. Said  
64 commissioners shall upon presentation of such petition, ap-  
65 point a day for a hearing thereon, and the petitioner shall  
66 give notice thereof as said commissioners deem reasonable  
67 and proper, in order that all persons interested may have  
68 an opportunity to appear and object thereto. At such hear-  
69 ing any party interested may appear in person or by coun-  
70 sel. The board of railroad commissioners after hearing the  
71 petition, shall, if they approve such location, subject to the  
72 provisions of section twelve of chapter fifty-three of the  
73 Revised Statutes of Maine, then determine whether public  
74 convenience requires the construction of such road and  
75 make a certificate of such determination in writing, which  
76 certificate shall be filed with their clerk within thirty days  
77 after such hearing. Within five days after the filing of  
78 such certificate with him, the clerk, shall notify all who have  
79 become parties of record as aforesaid, or their counsel of  
80 such determination and decision by sending to each party  
81 or counsel, by mail, a certified copy of such certificate so  
82 filed with him. If the board of railroad commissioners ap-  
83 prove such location and find that public convenience re-  
84 quires the construction of such road, the corporation may  
85 proceed with the construction of said road, provided that it  
86 first files with the clerk of county commissioners for the  
87 county in which said street railroad is to be located a copy  
88 of the location and a plan aforesaid, and another copy of

89 the state with the board of railroad commissioners. Any  
90 extension of, or addition to, or variation from the location  
91 may be made in accordance with and subject to the fore-  
92 going provisions.

Sect. 2 Said corporation may also maintain and operate  
2 said railway upon and over any lands where land damages  
3 have been mutually settled by the corporation and owners  
4 thereof.

Sect. 3. Said corporation shall have power from time to  
2 time to fix such rates of compensation for transporting per-  
3 sons or property as it may think expedient, and generally  
4 shall have all the powers and subject to all the limitations  
5 of corporation as set forth in chapter forty-seven of the Re-  
6 vised Statutes.

Sect. 4. Said corporation may make contracts with other  
2 persons or corporations to supply it with power for all pur-  
3 poses.

Sect. 5. The capital stock of said corporation shall be two  
2 hundred and fifty thousand dollars (\$250,000) which may  
3 fifty thousand dollars (\$250,000).  
4 time or times, to such an amount as they may deem neces-  
5 sary or expedient.

Sect. 6. Said corporation is hereby authorized to hold  
2 stock in other corporations not to exceed two hundred and  
3 fifty thousand dollars \$(250,000).

Sect. 7. Said corporation is hereby authorized to issue  
2 bonds in such an amount and on such time as may from

3 time to time be determined in aid of the purposes specified  
4 in this act, and to secure the same by mortgage of its fran-  
5 chise and property.

Sect. 8. Said corporation may change the location of said  
2 railroad, by first obtaining the written consent of the mu-  
3 nicipal officers of said towns, or city or by the usual pro-  
4 cedure provided by law and make additional locations sub-  
5 ject to the foregoing provisions and conditions.

Sect. 9. Nothing in this act shall be construed to prevent  
2 the proper authorities of any towns or the city included in  
3 this act from entering upon and temporarily taking up the  
4 soil in any street, town, or county road occupied by said  
5 railway for any purposes for which they may now lawfully  
6 take up the same.

Sect. 10. Such corporation is hereby authorized to lease  
2 or sell all its property and franchises on such terms as it  
3 may determine, also to consolidate with or to acquire by  
4 lease, purchase or otherwise the lines, property and fran-  
5 chises of any other railway whose line as constructed or  
6 chartered would form connecting or continuous lines with  
7 the line of this company, and in such case this corporation  
8 shall be entitled to all the privileges, and be subject to all  
9 appropriate conditions and limitations, contained in the  
10 charter thus united with or acquired.

Sect. 11. Said corporation shall not be required to run  
2 cars upon its road when the line of the road is blocked with  
3 snow or ice, or when the convenience or wants of the pub-  
4 lic do not demand it.

Sect. 12. Whenever it is practicable to use poles or any  
2 electric lights, belonging to any telephone or telegraph com-  
3 pany or any tree or structure of any kind, for any of the  
4 wires of said corporation, and the owners thereof consent  
5 to the free use of the same at a price satisfactory, said cor-  
6 poration shall have the right to use the same; and the de-  
7 cision as to the practicability of such use shall be left to  
8 three persons skilled in the science of electricity, one chosen  
9 by said corporation, one by the municipal officers of the  
10 town of East Livermore, and the third by the two so chos-  
11 en; the decision of the majority of said board shall be final  
12 and the expense of said tribunal shall be borne by said cor-  
13 poration. In the erection and maintenance of its poles, posts  
14 and wires, said corporation shall be subject to the general  
15 laws of the state regulating the erection of posts and lines  
16 for the purposes of electricity.

Sect. 13. Said corporation shall be and is hereby author-  
2 ized and empowered to purchase or take and hold as for  
3 public uses for the location, construction and convenient  
4 use of its railroad any land outside the limits of the street,  
5 roads, or ways, and all materials in and upon the same, not-  
6 withstanding that it may be practicable to locate said rail-  
7 road in such streets, roads or way, provided that the pro-  
8 cedure in taking such land and materials or limitations or  
9 manner of determining and paying damages shall be the  
10 same as provided by Revised Statutes, chapter fifty-one, in  
11 case of lands taken for steam railroads.



Sect. 14. Said corporation shall be and is further authorized and empowered to acquire by purchase real or personal estate for any lawful purpose and to hold, occupy, lease, sell and convey the same.

Sect. 15. Said corporation is hereby authorized and empowered to cross any public bridges within said towns or city, already erected but the authority determining whether such crossing shall be permitted shall rest with the municipal officers of said towns or city aforesaid liable for the repair of such bridges respectively, who shall impose such conditions and terms as they may deem expedient. In case the county is liable for the repair of a bridge, the county commissioners of such county shall have authority in the premises.

Sect. 16. The first meeting shall be called by one or more of the incorporators by giving notice thereof stating the time, place and purpose of the meeting to each incorporator in writing, or by publishing in one newspaper printed in the County of Kennebec, and one newspaper printed in the County of Androscoggin, at least fourteen days prior to the time appointed therefor.